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8 Attorneys for Defendant BLACKBERRY
CORPORATION

9
UNITED STATES DISTRICT COURT

10
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 NEELAM SANDHU, an individual,
12 Plaintiff,
13 vs.
14 BLACKBERRY CORPORATION, a
15 Delaware Corporation,
16 Defendant.

Case No. 3:24-cv-02002-SK

**DECLARATION OF PHIL KURTZ IN
SUPPORT OF DEFENDANT
BLACKBERRY CORPORATION'S
MOTION TO SEAL**

Judge: Hon. Sallie Kim

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DECLARATION OF PHIL KURTZ

I, Phil Kurtz, hereby declare:

1. I am the Chief Legal Officer and Corporate Secretary of BlackBerry. In that role,
 2 I oversee BlackBerry's global legal affairs, including corporate governance, securities matters, and
 3 litigation. I make this declaration based on my personal knowledge and my review of company
 4 records, and I could and would testify competently to the following facts if called as a witness.

5 2. I submit this declaration in support of BlackBerry's Motion to File Under Seal
 6 portions of Exhibit 48. Exhibit 48 is a copy of handwritten notes prepared in November 2023 by
 7 BlackBerry's then-interim chief executive, Richard Lynch (the "Notes").

8 3. I am familiar with BlackBerry's practices concerning the creation and protection of
 9 confidential information. BlackBerry treats as confidential, among other things: (a) internal
 10 assessments of individual employees and executives; (b) internal observations regarding
 11 BlackBerry's financial planning; (c) contemplated or potential transactions, sell-offs, or
 12 discontinuation of products relating to BlackBerry's business; (d) internal debate and disagreements
 13 regarding business strategy and cultural dynamics between business units within the company,
 14 including the identities of individuals who have expressed views on different sides of those issues;
 15 and (e) similar strategic and operational assessments that BlackBerry does not share publicly.
 16 BlackBerry seeks to seal the portions of Exhibit 48 that fall into these categories (the "Confidential
 17 Portions"). This type of information is disclosed outside the company, if at all, only subject to
 18 confidentiality obligations or as required by law.

19 4. BlackBerry maintains policies and technical controls to protect such information.
 20 Access to internal strategic, financial, and personnel materials is limited to employees with a need
 21 to know the information for their roles, and employees are subject to confidentiality obligations
 22 through company policies.

23 5. Public disclosure of the Confidential Portions would harm BlackBerry and its
 24 employees. The personnel assessments are private evaluations of non-party employees, recorded
 25 for internal leadership purposes. If made public, they could unfairly impact the individuals'
 26 professional reputations and chill candid internal discussions about performance and staffing. They

1 could also give competitors insight into the composition and perceived strengths and weaknesses of
 2 BlackBerry's leadership team, which competitors could exploit when recruiting employees or
 3 competing for business.

4 6. The references to contemplated or potential transactions, sell-offs, and strategic
 5 disagreements likewise concern non-public, preliminary leadership deliberations. They reveal
 6 BlackBerry's internal thinking about possible changes to its business, and the identities of
 7 individuals advocating particular strategic directions. Public disclosure could affect internal
 8 governance and employee relations and signal to competitors and market participants BlackBerry's
 9 potential strategic moves before they are announced, to BlackBerry's detriment.

10 7. The Notes, including the Confidential Portions, were created for internal business
 11 purposes and not in connection with this lawsuit. To my knowledge, the Confidential Portions do
 12 not bear on the claims or defenses in this case and are not necessary for the Court to understand or
 13 resolve the issues presented by the pending motions. They concern broader, company-wide
 14 leadership and business strategy issues that remain relevant at present day, including employee roles,
 15 potential business changes, and product and forecasting strategy.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
 17 true and correct and that I executed this declaration on December 10, 2025 in Waterloo, Ontario,
 18 Canada.

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 20 DATED: December 10, 2025

Signed by:

21 By:

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 23 Phil Kurtz

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